

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

| | | | |
|-----------------------------------|-------------|---|-------------------|
| -----X | | : | |
| RUDDY OSIAS, | | : | |
| | Plaintiff, | : | |
| | | : | 22 Civ. 870 (LGS) |
| -against- | | : | |
| | | : | <u>ORDER</u> |
| DEPARTMENT OF CORRECTIONS CITY OF | | : | |
| NEW YORK, et al., | | : | |
| | Defendants. | : | |
| | | : | |
| -----X | | | |

LORNA G. SCHOFIELD, District Judge:

WHEREAS, on April 14, 2023, Defendants filed a letter to inform the Court of an additional basis for dismissal of the action beyond those identified in Defendants’ pending motion to dismiss. Defendants attached a general release executed by Plaintiff on December 26, 2022, in which Plaintiff released “the City of New York . . . ; their successors or assigns; and all past and present officials, employees, representatives, and agents of the City of New York or any entity represented by the Office of the Corporation Counsel . . . from any and all liability, claims, or rights of action alleging a violation of [his] civil rights and any and all related state law claims, from the beginning of the world to the date of th[e] General Release, including claims for costs, expenses, and attorneys’ fees.”

WHEREAS, in an Order dated April 17, 2023, the pro se Plaintiff was directed to file a letter in response, including whether he dismisses voluntarily his claims in this action, by April 28, 2023.

WHEREAS, the Court received no letter from Plaintiff.

WHEREAS, the Order dated May 9, 2023, directed Plaintiff to file a letter by May 23, 2023, explaining why his case should not be dismissed in light of the general release he executed on December 26, 2022. Plaintiff was advised that, if he did not submit a timely letter, his case

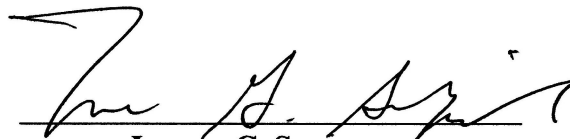
would be dismissed for the reasons stated in Defendants' letter dated April 14, 2023, and for failure to prosecute.

WHEREAS, the deadline has passed, and the Court has not received such letter from Plaintiff. It is hereby

ORDERED that the case is dismissed for substantially the reasons stated in Defendants' letter dated April 14, 2023, and for failure to prosecute.

The Clerk of Court is respectfully directed to close this case and to mail a copy of this Order to the pro se Plaintiff.

Dated: June 7, 2023
New York, New York



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE